

# United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO. FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/735,042 12/11/2003	Pietro Padovani	B-4501DIV 621212-6	2506
36716 7590 08/18/2005		EXAM	INER
LADAS & PARRY	RIDLEY, RICHARD		
5670 WILSHIRE BOULEVARD, S LOS ANGELES, CA 90036-5679		ART UNIT	PAPER NUMBER
,		3651	

DATE MAILED: 08/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>₹</b>	<b>)</b>	
	Application No.	Applicant(s)
*	10/735,042	PADOVANI, PIETRO
Office Action Summary	Examiner	Art Unit
	Richard Ridley	3651
The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with the	correspondence address
A SHORTENED STATUTORY PERIOD FOR REPLY THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a reply - If NO period for reply is specified above, the maximum statutory period w - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	36(a). In no event, however, may a reply be to within the statutory minimum of thirty (30) da will apply and will expire SIX (6) MONTHS fror cause the application to become ABANDON	imely filed  ys will be considered timely.  n the mailing date of this communication.  ED (35 U.S.C. § 133).
Status		
1) ⊠ Responsive to communication(s) filed on 16 July     2a) ⊠ This action is FINAL. 2b) □ This     3) □ Since this application is in condition for allower closed in accordance with the practice under E	action is non-final. nce except for formal matters, p	
Disposition of Claims		
<ul> <li>4)  Claim(s) 4-15 is/are pending in the application.</li> <li>4a) Of the above claim(s) is/are withdray</li> <li>5)  Claim(s) is/are allowed.</li> <li>6)  Claim(s) 4-15 is/are rejected.</li> <li>7)  Claim(s) is/are objected to.</li> <li>8)  Claim(s) are subject to restriction and/or</li> </ul>	vn from consideration.	
Application Papers		
9) ☐ The specification is objected to by the Examine 10) ☑ The drawing(s) filed on 11 December 2003 is/at Applicant may not request that any objection to the Replacement drawing sheet(s) including the correction 11) ☐ The oath or declaration is objected to by the Examine 10.	re: a)⊠ accepted or b)⊡ object drawing(s) be held in abeyance. Se ion is required if the drawing(s) is o	ee 37 CFR 1.85(a). bjected to. See 37 CFR 1.121(d).
Priority under 35 U.S.C. § 119		
12) Acknowledgment is made of a claim for foreign  a) All b) Some * c) None of:  1. Certified copies of the priority documents  2. Certified copies of the priority documents  3. Copies of the certified copies of the prior  application from the International Bureau  * See the attached detailed Office action for a list of	s have been received. s have been received in Applica rity documents have been receiv u (PCT Rule 17.2(a)).	tion No ved in this National Stage
Attachment(s)  1) Notice of References Cited (PTO-892)  2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date	4) Interview Summar Paper No(s)/Mail [ 5) Notice of Informal 6) Other:	

Application/Control Number: 10/735,042

Art Unit: 3651

#### **DETAILED ACTION**

## Claim Rejections - 35 USC § 112

- 1. The following is a quotation of the second paragraph of 35 U.S.C. 112:
  - The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
- 2. Claims 4-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 4 recites the limitation "at least one of said handling stations" in line 11. There is insufficient antecedent basis for this limitation in the claim. Previously in the claim, only one handling station is recited.

#### Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.
- (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Application/Control Number: 10/735,042 Page 3

Art Unit: 3651

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

- 4. Claims 4-14, as best understood, are rejected under 35 U.S.C. 102(e) as being anticipated by FOCKE USP 6290448. FOCKE discloses a similar device comprising a(n):
- Receiving station (items are received into the system; fig. 2)
- > At least one handling or working station (39 or 41 or 43)
- > Stacking station (30; items are stacked; fig. 1)
- > Transfer means (19) for transferring items from the receiving station (31-33) to the stacking station (30)
- Wherein said handling means comprises a support structure (18 or 34) and a picking-up head

  (43)
- Said picking-up head comprising a support member (44) rotatably mounted around a vertical axis, multiplicity of spacers (unlabelled; just below support member 44; spaces the support member 44 from the holding means 45) carried by said support members (44) and extending downwards, and a holding means (45) carried by spacers (spaces the support member 44 from the holding means 45)

Application/Control Number: 10/735,042 Page 4

Art Unit: 3651

➤ Gear motor (fig. 6 & 7)

Robot (fig. 1)

## Claim Rejections - 35 USC § 103

- 5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
  - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 6. Claim 15 rejected under 35 U.S.C. 103(a) as being unpatentable over Focke '448 in view of Padovani '208.

Focke discloses all of the claim limitations and discloses receiving products from somewhere in general. He does not disclose a thermoforming press with cut and form mould having a suction plate arranged to pick up mouldings of thermoformed products and discharge the products to said receiving station (31-33; fig. 1).

Padovani teaches the use of a thermoforming press with cut and form mould having a suction plate (C1/L64-70) arranged to pick up mouldings of thermoformed products and discharge the products to said receiving station for the purpose of providing for a means to produce thermoformed products and for the purpose of providing for a means to remove moulding and transfer them to a receiving station (C1/L65+).

It would have been obvious to one having ordinary skill in the art at the time of the invention to have employed the use of a thermoforming press with cut and form mould having a suction plate (C1/L64-70) arranged to pick up mouldings of thermoformed products and

Application/Control Number: 10/735,042 Page 5

Art Unit: 3651

discharge the products to said receiving station for the purpose of providing for a means make

thermoformed products and for the purpose of providing for a means to remove moulding and

transfer them to a receiving station.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

9. Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Richard Ridley whose telephone number is (571) 272-6917. The

examiner can normally be reached on Mon-Fri 7:30 am - 4:00 pm.

Application/Control Number: 10/735,042

Art Unit: 3651

10/733,042

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford can be reached on (571) 272-6911. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Page 6

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Richard Ridley Primary Examiner Art Unit 3651

Richard Ridley 15 Aug 2005